

Australian government pushes ahead with “foreign donations” ban

Mike Head
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A “multi-partisan” parliamentary committee last week gave “in-principle” backing to one of the Turnbull government’s “foreign interference” bills, which imposes a far-reaching ban on foreign donations for any politically-related campaigns in Australia.

The bill is a part of a multi-pronged legislative package that targets alleged “Chinese interference” in Australian political and commercial life. The legislation is aimed at overturning basic democratic rights by criminalising any political activity that has an international connection.

Confronted by criticism by charities and campaign groups, whose lobbying activities could be crippled by the bill, the committee’s report made 15 recommendations to marginally modify, and in some cases intensify, aspects of the Electoral Funding and Disclosure Reform Bill.

Displaying their unity, the Liberal-National, Labor and Greens members of the committee unanimously endorsed the bill’s central thrust, which is bound up with an ongoing media and political witch hunt against alleged “Chinese influence” over Australia.

While endorsing the recommendations, the Greens appended a minority report, essentially demanding that the legislation go further to prohibit donations by local Chinese businesspeople, even if they are Australian citizens.

Finance Minister Mathias Cormann welcomed the “cross-party support” for the bill and the government’s insistence that the ban on foreign donations had to extend to all groups undertaking political activity, including charities.

Under ongoing pressure from Washington to step up Australia’s commitment to the US confrontation with China, Prime Minister Malcolm Turnbull further stated the government’s determination to push ahead with all

the foreign interference bills.

This was despite public expressions of concern by sections of big business, particularly the mining, agricultural and education operators that depend heavily on Chinese markets, that the bills are damaging relations with China and their lucrative operations there.

“There has been a degree of tension in the relationship that has arisen because of criticism in China of our foreign interference laws,” Turnbull said. “But it is very important that the Australian government ensure that only Australians are influencing our political processes.”

As well as banning donations from “foreign” sources for all political campaigns, the bill expands the existing anti-democratic party registration regime to cover “third party campaigners.”

This registration scheme already forces political parties to hand over membership lists and financial records to the state. Now all political “campaigners” would have to report their directors’ names, political membership and political expenditure, and supply signed statements of compliance with the rules about receiving gifts and donations.

Political parties, candidates, Senate groups and “political campaigners” would be banned from receiving foreign gifts or any money transferred from foreign accounts. Every donation over \$250 would need to be checked and documented to prove the donor was not a foreigner. The penalty for breaching these requirements is up to 10 years imprisonment.

On the reactionary pretext of preventing “foreign interference,” the financial reporting regime would provide another layer of state surveillance over all political activity. If a charity or other organisation incurred “political expenditure” above \$13,500, it

would become subject to the compliance framework.

“Political expenditure” is defined very broadly to cover public expressions of views on any issue that is “likely to be before electors in an election,” regardless of whether an election has been called. This could include opposing a military intervention or any other government decision.

Even if a group received no foreign donations, it would still be seriously affected by the onerous reporting obligations. For example, spending as little as \$14,000 on a political issue is sufficient to be categorised as a “third party” campaigner, regardless of whether any foreign donations are involved.

This is alongside the Foreign Influence Transparency Scheme Bill, which would establish a new US-style apparatus to force people, parties and groups to register with the government if they are undertaking political activities “on behalf of” a “foreign principal.”

That scheme would provide a ready-made means for monitoring and persecuting anyone linked to China, but it would go further. Even a person who helped a non-Australian citizen or resident to make representations about their visa status would need to register, for example. That is because “foreign principal” is defined to include non-permanent Australian residents, as well as overseas businesses and political organisations.

In addition, the Espionage and Foreign Interference Bill would create unprecedented new “foreign interference” offences, with prison terms of up to 20 years for working with a foreign principal to “influence a political or governmental process.”

That “espionage” bill also contains a range of new or expanded offences, such as “treachery,” involving up to life imprisonment, for activity regarded as a threat to the existing Australian political and economic order, particularly under wartime conditions.

The committee recommended narrowing the “electoral funding disclosure” bill’s definition of “political expenditure” to activities “undertaken to influence voters to take specific action as voters, so as not to capture non-political issue advocacy.” Any such distinction would be vague and still extend to any advocacy of opposition to government policies.

The report called for the creation of a “transparency register”—something not included in the original bill—with mandatory registration for all entities - “engaged in activities that require disclosure of

political expenditures” that reach an unspecified maximum threshold.

It also urged “automatic deregistration” of political parties that did not prove their registration qualifications before each federal election.

Charities and political lobby groups condemned the committee’s refusal to provide exemptions for their activities. Community Council for Australia CEO David Crosbie said: “We believe if the government implement all the recommendations of this report, a revised bill may still have a chilling impact on charities across Australia.”

Nevertheless, both the government and the committee flatly rejected their calls to withdraw and completely redraft the bill.

In her minority report, Greens Senator Lee Rhiannon supported an objection by the GetUp! lobby group that Chinese business figures could still make legal donations. Rhiannon wrote: “The ‘foreign donors’ namechecked in the media—Chau Chak Wing and Huang Xiang Mo—both hold or held Australian citizenship or residency at the time the donations were made and therefore would be allowable donors under the provisions of the Bill.”

Reflecting their base among privileged upper middle-class layers, the Greens have been among the most vociferous proponents of the anti-Chinese campaign, together with the purging of parliament over the past 10 months to disbar anyone holding dual citizenship and therefore lacking “sole loyalty” to Australia. These layers would support a war against China. Prominent Greens member Clive Hamilton recently published a book, *Silent Invasion*, insisting that a US-led war may be the only means to prevent Australia being “subjugated” by China.

No date has yet been set for the introduction of the amended bill. Another committee report, on the other “foreign interference” bills, was due on March 23 , but that deadline has disappeared from the Parliamentary Joint Committee on Intelligence and Security’s web site.



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